
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JACQUELINE NELSON-BURKE,
Plaintiff,

v.

**TK ELEVATOR CORPORATION
F.K.A. THYSSENKRUPP ELEVATOR
CORPORATION, AND WHITE
LODGING CORPORATION**
Defendants.

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NO: 1:21-CV-00603-DAE

JOINT MOTION FOR CONTINUANCE

Pursuant to Federal Rule of Civil Procedure 29, Plaintiff Jacqueline Nelson-Burke (“Plaintiff”) and Defendants TK Elevator Corporation f.k.a ThyssenKrupp Elevator Corporation (“TKE”) and White Lodging Corporation (“WLC”) (collectively, “Defendants”) (Plaintiff and Defendants are collectively referred to as the “Parties”), file this Joint Motion for Continuance (the “Motion”).

Specifically, this Motion requests that these deadlines be extended as follows:

Report on alternative dispute resolution	October 31, 2022
Motions to Amend or Supplement Pleadings	November 28, 2022
Plaintiff’s Designation of Experts	October 24, 2022
Defendant’s Designation of Experts	December 5, 2022
Complete Discovery	January 23, 2023
File Dispositive Motions	January 30, 2023

In support of this Motion, the Parties would respectfully show as follows:

**I.
PROCEDURAL BACKGROUND**

1. Plaintiff filed her Original Petition against Defendants in Travis

County, Texas. On July 6, 2021, TKE filed its Original Answer. On July 7, 2021, Defendants removed the matter to the United States District Court for the Western District of Texas, Austin Division (Dkt. Nos. 1–3).

2. On September 7, 2021, the Parties filed a Joint Federal Rule 26 Report (Dkt. No. 6) and Agreed Scheduling Order (Dkt. No. 7).

3. Thereafter, the Parties exchanged written discovery.

4. The Court entered a Scheduling Order governing this matter on February 18, 2022 (Dkt. No. 15), and the Parties exchanged written settlement communications.

5. New counsel for WLC filed a Notice of Appearance and Designation of Lead Counsel on March 3, 2022 (Dkt. No. 17).

6. Throughout all aspects of this litigation, the Parties have worked amicably together through the discovery process and trying to find mutually agreeable dates to schedule inspections and depositions. However, despite the Parties' good faith effort, the Parties have been unable to conduct necessary inspection and depositions because of scheduling conflicts between the Parties, their counsel, and the respective experts and other witnesses. As such, the Parties request an extension of the above-described deadlines set by Scheduling Order so that they may be permitted additional time to be able to conduct the necessary inspection and depositions, and meaningfully participate in discovery and mediation. This is the first continuance requested by the Parties.

II. POINTS & AUTHORITIES

7. This Motion is being filed jointly by the Parties, and no party is opposed to the relief sought in this Motion. The Parties incorporate the above paragraphs as if fully set forth herein.

8. The Scheduling Order originally contained the following deadline relevant to this Motion:

Plaintiff's Deadline to Designate Experts	April 4, 2022
Defendants' Deadline to Designate Experts	May 16, 2022
Deadline to Complete Discovery	August 12, 2022
Dispositive Motion Filing Deadline	September 9, 2022

9. By way of this Motion, the Parties request that the following deadlines be extended as follows:

Report on alternative dispute resolution	October 31, 2022
Motions to Amend or Supplement Pleadings	November 28, 2022
Plaintiff's Designation of Experts	October 24, 2022
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10. As discussed above, the Parties have worked diligently and amicably to exchange information as ordered and are working diligently to obtain the necessary inspection and depositions as soon as practicable.

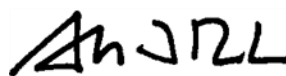
11. The Parties respectfully request an extension of the above deadlines in order to conduct additional discovery including taking the depositions of experts and fact witnesses in order to put this matter in the best possible position for a successful mediation or, if necessary, final trial. The Parties do not believe that the requested extension will affect any other deadlines in this matter, and trial has yet to be set by the Scheduling Order or otherwise.

**III.
CONCLUSION**

The Parties respectfully request that the above-mentioned deadlines are extended as requested, and for any such other and further relief to which they may be entitled, at law and in equity.

Respectfully submitted,

MAYER LLP

A handwritten signature in black ink, appearing to read "Alan L. Rucker", is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2022, a true and correct copy of this motion was served upon all known counsel of record, as listed below:

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